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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,348

12/27/2004

Mark Beckmann

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BAKER BOTTS L.L.P.

PATENT DEPARTMENT

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AUSTIN, TX 78701-4039

EXAMINER

MILLER, BRANDON J

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,348	<b>Applicant(s)</b> BECKMANN ET AL.	
	<b>Examiner</b> BRANDON J. MILLER	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-14, 16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendments/Remarks***

#### ***Continued Examination Under 37 CFR 1.114***

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/04/2009 has been entered and claims 11-16 and 18-20 are pending in the application.

### ***Allowable Subject Matter***

II. Claim 15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

III. Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 12 recites the limitation "the assignment of the first indicator" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the assignment of the first indicator" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the assignment of the first indicator" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 may be found to contain allowable subject matter if amendments are made to overcome the rejection under 35 U.S.C. 112, second paragraph.

The following art rejection is based on the best possible interpretation of the claim language in light of the rejections under 35 U.S.C. 112, second paragraph.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

V. Claims 11-13, 16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US 7,035,657 B2) in view of Hogan et al. (US 2002/0111180 A1).

Regarding claim 11 Chen teaches a method for transmitting a plurality of group messages to a plurality of radio communication devices in at least one radio cell of a radio communication network, each communication device belonging to one or more defined groups suitable to receive group messages corresponding to that defined group (see col. 1, lines 63-67 and col. 2, lines 1-12). Chen teaches assigning each group message to a respectively dedicated shared transport channel corresponding to one of the defined groups (see col. 7, lines 60-64 and col. 8, lines 50-55). Chen teaches transmitting toward the plurality of radio communication devices data of a particular group message intended for a particular defined group during at least one time interval (see col. 8, lines 63-67). Chen teaches transmitting to the plurality of radio communication devices a first indicator corresponding to the particular defined group during the time interval, such that each of the plurality of radio communication devices can identify the

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particular defined group based at least one the first indicator to determine whether that radio communication device is suitable to receive the particular group message (see col. 6, lines 34-38, IP-multicast address and/or multicast service identifier reads on indicator such that each device can identify particular group to determine whether the device is suitable to receive the message). Chen does not specifically teach the radio communication network operating according to a universal mobile telecommunication system standard. Hogan teaches a radio communication network operating according to a universal mobile telecommunication system standard (see paragraph [0007]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the radio communication network in Chen adapt to include operating according to a universal mobile telecommunication system standard because UTMS would be a more capable system for streaming of the packet data transmissions taught in Chen.

Regarding claim 12 Chen and Hogan teach a device as recited in claim 11 except for storing at least one item of assignment information, organized in table form, for the assignment of a first indicator to a particular defined group. Chen does teach storing at least one item of assignment information, organized in list form, for the assignment of a first indicator to a particular defined group (see col. 9, lines 36-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Chen and Hogan combination adapt to include modifying the storing assignment information from list form to table form because mobile radio systems commonly include information stored in table form and the method of storing assignment information does not materially change the way group message are transmitted.

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Regarding claim 13 Chen teaches storing at least one item of assignment information, organized in list form, for the assignment of a first indicator to a particular defined group (see col. 9, lines 36-40).

Regarding claim 16 Chen and Hogan teach a device as recited in claim 11 except for assigning all radio communication devices of a first region to a first defined group, wherein the particular group message is sent to the radio communication devices assigned at least to the first defined group in a form of a broadcast message. Chen does teach wherein the particular group message is sent to the radio communication devices assigned at least to the first defined group in a form of a broadcast message (see col. 9, lines 13-20). Hogan does teach a list including groups authorized to operate within a given cell (see paragraph [0100], making a list including groups authorized to operate within a given cell is analogous to assigning groups based on location as claimed). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Chen and Hogan combination adapt to include assigning all radio communication devices of a first region to a first defined group, wherein the particular group message is sent to the radio communication devices assigned at least to the first defined group in a form of a broadcast message because it common for communication groups to be located in a particular region or cell as taught in Chen (see Chen, col. 8, lines 7-13).

Claim 18 Chen teaches transmitting allocation of a transmission time and parameters of the particular defined group message to a specific group via a common channel assigned to at least one dedicated shared transport channel (see col. 8, lines 20-29).

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Regarding claim 19 Chen teaches a network controller for transmitting a plurality of group messages to a plurality of radio communication devices in at least one radio cell of a radio communication network, each communication device belonging to one or more defined groups suitable to receive group messages corresponding to that defined group (see col. 1, lines 63-67 and col. 2, lines 1-12, group call server reads on network controller). Chen teaches assigning each group message to a respectively dedicated shared transport channel corresponding to one of the defined groups (see col. 7, lines 60-64 and col. 8, lines 50-55). Chen teaches transmitting toward the plurality of radio communication devices data of a particular group message intended for a particular defined group during at least one time interval (see col. 8, lines 63-67). Chen teaches transmitting to the plurality of radio communication devices a first indicator corresponding to the particular defined group during the time interval, such that each of the plurality of radio communication devices can identify the particular defined group based at least one the first indicator to determine whether that radio communication device is suitable to receive the particular group message (see col. 6, lines 34-38, IP-multicast address and/or multicast service identifier reads on indicator such that each device can identify particular group to determine whether the device is suitable to receive the message). Chen does not specifically teach the radio communication network operating according to a universal mobile telecommunication system standard. Hogan teaches a radio communication network operating according to a universal mobile telecommunication system standard (see paragraph [0007]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the radio communication network in Chen adapt to include operating according to a

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universal mobile telecommunication system standard because UTMS would be a more capable system for streaming of the packet data transmissions taught in Chen.

Regarding claim 20 Chen teaches a radio communication device for receiving at least one group message which is transmitted to a plurality of radio communication devices in at least one radio cell of a radio communication network, each communication device belonging to one or more defined groups suitable to receive group messages corresponding to that defined group (see col. 1, lines 63-67 and col. 2, lines 1-12). Chen teaches assigning a particular group message intended for a particular defined group to a respectively dedicated shared transport channel corresponding to the particular defined group (see col. 7, lines 60-64 and col. 8, lines 50-55). Chen teaches receiving the group message during at least one time interval (see col. 8, lines 63-67). Chen teaches a first indicator corresponding to the particular defined and identifying the particular defined group and, based on the identified particular defined group, determining whether that radio communication device is suitable to receive the particular message (see col. 6, lines 34-38, IP-multicast address and/or multicast service identifier reads on indicator such that each device can identify particular group to determine whether the device is suitable to receive the message). Chen does not specifically teach the radio communication network operating according to a universal mobile telecommunication system standard. Hogan teaches a radio communication network operating according to a universal mobile telecommunication system standard (see paragraph [0007]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the radio communication network in Chen adapt to include operating according to a universal mobile telecommunication system standard because

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UTMS would be a more capable system for streaming of the packet data transmissions taught in Chen.

### ***Claim Objections***

VI. Claims 19-20 are objected to because of the following informalities:

Claim 19 recites "a network controller for transmitting a plurality of group messages a plurality of radio communication devices" in lines 1-2. This appears to be a typographical/grammatical error. Appropriate correction is required.

Claim 20 recites "a first indicator corresponding to the particular defined" in lines 14-15. This appears to be a typographical/grammatical error. Appropriate correction is required.

### ***Response to Arguments***

VII. Applicant's arguments with respect to claims 11-16 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

VIII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leung et al. Pub. No.: US 2003/0087653 A1 discloses a method and apparatus for data packet transport in a wireless communication system using an internet protocol.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon J Miller/  
Examiner, Art Unit 2617

July 15, 2009